

MASSAGE NEWS

Newsletter of the Maryland Board of Chiropractic & Massage Therapy Examiners

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WINTER/SPRING 2010



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SCHEDULE OF REMAINING 2010 MEETINGS *

2010

| | |
|-------------|-------------|
| January 21 | July 8 |
| February 18 | August 12 |
| March 11 | September 9 |
| April 8 | October 9 |
| May 13 | November 4 |
| June 17 | December 9 |

***All dates subject to change due to weather or discipline hearings.**

Memorable Quotes:

“The greater the loyalty of a group toward the group, the greater is the motivation among the members to achieve the goals of the group, and the greater the probability that the group will achieve its goals.”

Rensis Likert

BOARD PRESIDENT'S MESSAGE

Kay B. O'Hara, D.C.

LAST Mailed ISSUE OF NEWSLETTER—MOST FUTURE EDITIONS WILL BE EMAILED

As the Board President, I would like to thank all licensees for their cooperation, patience, and timeliness (by most) in this year's renewal process. Our staff worked long and diligent hours to make the online renewal system a true improvement over the past paper renewal process. As the below data reflects, it was a success and is preferred by most of the licensees. We will continue to refine the system to make it even more user-friendly and accurate. An important note is below regarding the electronic venue initiative. **MOST FUTURE NEWSLETTERS AND BULLETINS WILL BE SENT ELECTRONICALLY** due to budget constraints and to improve economies of scale; in other areas of general notices, bulletins, etc., will soon be transitioning more into the electronic mode of communication. This will substantially reduce printing, processing and mailing costs which can be passed down to the licensees. **Licensees without internet may request FAX copies of the newsletter.**

MOVING TOWARDS AN ELECTRONIC VENUE

During the last renewal, the Board collected updated email addresses from all Licensees. These email addresses will be uploaded into our database roster. Over the next year, we hope to disseminate all or most important Board information via electronic format. This includes bulletins, practice information, newsletters and updates. The email address will also be printed on the official roster and made available to CEU Providers upon request. This will certainly assist licensees in obtaining timely information on courses and programs. Reducing printing and mailing costs can reduce the budget by tens of thousands of dollars a year and help the Board maintain licensing fees at a reasonable par or even reduce them. Licensees have the option of restricting their email from the official roster that is releasable to CEU providers and other business entities. **If you do NOT wish your email released to CEU Providers and to other commercial vendors, please complete & mail in the form on page 6 of this newsletter; otherwise, it will be available on request. Please note that restriction of your email will also restrict your ability to receive email notices for available, Board-approved CEU courses from providers.**

ELECTRONIC RENEWAL A GREAT SUCCESS!

The 2009 Chiropractic Biennial Renewal used an optional electronic renewal system for the first time; it proved to be a great success. 70.5% of the licensees (533 doctors) renewed online. The general reaction to the system was that it was efficient, convenient, and timely. Of course, there are a few glitches and improvements that must be made. In particular, the directions need to specify that the password is the last 4 digits of the licensee social security number. Additionally, we must improve the interface to make it easier to enter and revise CEU information. We are very grateful for the patience of licensees and constructive comments they submitted. These comments will be extremely valuable in helping the Board and staff refine and improve the system.

Reminder—MASSAGE RENEWALS ONLY 10 months away

The renewal for the 2010-2012 biennial period will be in **October 2010**. This is only 10 months away. Remember, licensees and registrants **MUST** successfully complete at least 24 CEUs of Board approved courses and hold a provider level CPR certification from the America Red Cross or American Heart Association to qualify for renewal. **NOW IS THE TIME TO START TAKING/COMPLETING THE REQUIRED CEUS.** Live, online and take-home courses are permitted provided that they are Board Approved.

BEST REGARDS— Kay B. O'Hara, D.C.

FAQ
(Frequently Asked Questions - Continuing Education)



QUESTION: *How do I know which CEU courses are Board Approved?*

ANSWER: Currently, all courses approved by NCBTMB and offered by MHEC are automatically approved by the Board provided they relate to massage therapy. Non-NCBTMB/MHEC Courses must be formally submitted and approved by the Board. You may call the Deputy Director, Ms. Adrienne Congo, M.S., at 410-764-2965 for information on Board approved CEU courses.

QUESTION: *If I complete more than 24 hours of continuing education courses in the 2008-2010 renewal cycle, may I carryover the additional hours to the 2010-2012 cycle?*

ANSWER: No. To receive credit for continuing education course/program, it must be completed within the time frame of the renewal cycle. In 2010 you will receive credit for a course completed between November 1, 2008 and October 31, 2010.

QUESTION: *Am I exempted from completing 24 hours of CEUs'?*

ANSWER: Since October 31, 2008 many certificate and registration holders have been reinstated or reactivated by the Board. All LMTs and RMPs, including therapists that reinstated or reactivated must complete 24 CEUs before October 31, 2010. The only LMTs and RMPs exempted were issued their *initial* certification or Registration within one year of the renewal cycle or between November 1, 2009 and October 31, 2010. (COMAR 10.43.20.03A)

**NEW DEPUTY DIRECTOR /
MESSAGE THERAPY PROGRAM
MANAGER,
MS. ADRIENNE CONGO, M.S.**

The Board is pleased to announce the hiring of Ms. Adrienne Congo, M.S., as the new Deputy Director, replacing the former Deputy, Mr. Christopher Kelter, who left in July. Ms. Congo is a seasoned veteran in State service with several years as a senior manager / administrator. She is intimately familiar with all aspects of State Government, legislation, regulations, personnel, discipline, budget, logistics and management. She will be a valuable asset to the staff and to the massage program.

Ms. Congo commenced her position on December 30th. All questions/concerns regarding the Massage Program should be directed to her.



9/10/2009: EXPANDED BOARD HOLDS FIRST MEETING

Below are the members of the newly expanded Board that met for the first time on September 10, 2009. The expanded Board includes six chiropractors, three licensed massage therapists and two consumer members. Front, left to right: Duane Sadula, D.C., Past President, Grant Gerber, esq., Bd Counsel, Kay O'Hara, D.C., President, Stephanie Chaney, D.C., Vice President, Issie Shelton-Jenkins, Esq. Consumer Member. Back left to right: Jonathan Nou, D.C, Member, Daniel Kraus, D.C., Member, Mary Anne Frizzera-Hucek, M.S., Secty/Treasurer, Consumer Member, Karen Biagiotti, LMT, Member, Gwenda Harrison, LMT, Member, Clyde Anderson, LMT, Member.

Photos by Mr. Marc Ware



TRADE NAME APPROVAL REQUIRED



Licensees/Registrants Owning A Massage Practice

Must formally apply for a Board-Approved Trade Name in order to practice. Trade Names may not be confusing or misleading and must clearly identify the practice as massage. Where several requests for the same trade name are submitted, the Board usually will require the full name of the owner on the name to differentiate it from other requests. The Massage Practice Act, HO. Title 3-5A-13 requires that trade names may not be deceptive or misleading. The Board is currently developing detailed regulations/guidelines regarding trade name approvals.

Currently, licensees/registrants may download the Application for Trade Name on the Board Website at www.mdmassage.org. These must be submitted and the Board will decide and issue a formal letter of approval or disapproval. Because this law is fairly new, the Board will grant some latitude in allowing practices time to submit trade name requests until July 1, 2010. However, to obtain the trade name you desire, you should submit your requests expeditiously.

C.P.R. CERTIFICATE PLUS 24 HOURS CEUs

Pursuant to COMAR, ONLY courses taken at the provider level from the **American Red Cross** or the **American Heart Association** or their authorized agents are approved for renewal purposes. The regulation is in place because of the disparity and variance among CPR Courses. Because proper training and qualification for CPR is a matter of life-or-death, the Board restricts approved courses to these providers which have proven to be consistently acceptable in didactic substance and clinical training. (COMAR 10.43.20)

DISCIPLINARY ORDERS

FORMAL ORDERS

| <u>LICENSEE</u> | <u>DATE</u> | <u>ORDER SUMMARY & SANCTION</u> |
|------------------------------|-------------------|---|
| Dolores Zumbado, D.C. | 10/13/2009 | Using un-registered personnel in practice of chiropractic: REPRIMAND, 1 YEAR PROBATION, \$2,000 FINE, ETHICS & JURISPRUDENCE DISCIPLINARY EXAM |
| James Clark, LMT | 7/9/2009 | Boundary violations, improper recordkeeping, unprofessional conduct, fraudulent use of license, violation of regulations: REVOCAION OF LICENSE, PAY HEARING COSTS. |
| Eric Huntington, D.C. | 4/28/09 | Violations of regulations, failure to properly supervise staff, failure to comply with CA reporting requirements : REPRIMAND, \$5,000 FINE, JURISPRUDENCE DISCIPLINARY EXAM, COURSE IN PROFESSIONAL ETHICS, 18 MONTHS PROBATION |
| Stephen Erle, D.C. | 12/15/09 | False advertising, Misrepresenting treatment, filing false reports, over utilizing services, Practicing with unauthorized personnel, submitting false claims for fees, violating various Rules/regulations: SIX-MONTH SUSPENSION, \$5,000. FINE, 2-YEAR PROBATION, PAY \$1,698.50 HEARING COSTS, TAKE COMPREHENSIVE TUTORIAL/ COURSE WORK, SUBMIT TO RECORD REVIEWS, TAKE/PASS SUPERVISING CHIROPRACTOR EXAM, TAKE/PASS DISCIPLINARY JURISPRUDENCE EXAM. |



SNIPETS

REDUCTION IN MASSAGE EXAM FEES: Effective October 10, 2009 the **Massage Applicant Exam fee was reduced from \$200 to \$100**. The board will continue to closely monitor the budget and reduce fees as more cost savings are incurred through staff vacancies and savings on mailings and printing.

REGULATORY REVIEW: The Board is conducting a review of chiropractic and massage regulations over the next few months. This winter, a General Session will be devoted to discussing proposed revisions. As in previous years, associations and the general public are welcomed. We will publish times/dates as they become available in the *Maryland Register* and on the Board Website.

SUNSET REVIEW: The MD Office of Legislative Affairs recently completed an initial 'Sunset Review' of this Board. These reviews are conducted every 12 years to determine if the Board is efficiently serving the State and the general public operationally and fiscally. The State may waive a full review/audit based on the results of this initial review; the results will be announced when completed.



MOST RECENT COURT & BOARD GUIDELINES REGARDING PRACTICING CHIROPRACTIC & MASSAGE ON ANIMALS

In a recent Case (*Clemens v Board of Examiners*), the Montgomery County Circuit Court (Judge Boynton/Case No. 296766V) upheld the long-standing statute that licensees may NOT practice on animals under the scope/authority of their licenses or registrations. This was consistent with Health Occupations Article 3-101 and 3-5A-01, which restricts practice to the "human body." However, the Court ruling also clarified that the Board could NOT prevent a licensee from practicing on animals provided that the practice was not done under the advertisement, scope, or authority of a Board issued license. In other words, if a chiropractor or massage therapist wishes to practice on an animal, they may do so providing that they do not advertise or hold themselves out as qualified or authorized based on their Board license. Any such practice may not be done in a chiropractic or massage practice location. Since the Maryland Board of Veterinary has the ultimate jurisdiction in practice on animals, it is recommended that any licensee or registrant wishing to practice on animals (as an individual and not as a licensee/registrant) first contact that Board for guidance.

The Board opines that an article in the Fall 2009 AMTA, MD Chapter Newsletter did not fully explain the above-cited court ruling and required clarification. If you have questions on the application of this court holding, please contact the Board of Examiners.

BOARD MASSAGE COMPLIANCE INITIATIVE CONTINUES WITH PRO-ACTIVE ENFORCEMENT SEMINAR



On October 22nd, the Board hosted a seminar for Maryland law enforcement, mall managers, massage schools and other DHMH Board staffs to discuss enforcement of the massage program. This past year has seen a rise in illegal and unauthorized practice of massage therapy by unlicensed, untrained and uneducated individuals. Many of these cannot read, speak or write English. Needless to say, this presents a substantial danger to the general public as well as to the efficacy of the massage profession.

The thrust of the seminar was to clearly inform the audience of the provisions of law and regulation that govern massage therapy in Maryland. Additionally, liability and risk issues for mall management were discussed in an open forum. Particular cooperative efforts with local law enforcement was also a topic with a question & answer period in which local law enforcement provided good input about their enforcement and prosecution efforts.

Again, the Board stresses that it only has jurisdiction over licensees. Any licensee who knows of an illegal massage business using unlicensed individuals should immediately contact the police as well as the mall or building manager in which the business is located. The seminar was well received by all attendees and information packets were distributed and will also be mailed to invitees who were unable to attend.



TAX DELINQUENCIES WILL DELAY RENEWAL HAVE YOU PAID YOUR STATE TAXES?

Maryland law requires that anyone who qualifies for a renewal license, certificate or registration must be current with state taxes prior to the issuance of the renewal license, certificate, or registration. This means the Board cannot issue a renewal license, certificate or registration unless ALL TAX OBLIGATIONS TO THE STATE ARE PAID OR AN AGREEMENT HAS BEEN MADE TO CURE THE TAX DEBT— THERE ARE NO WAIVERS OR EXCEPTIONS. The Board cannot intervene in any delinquent tax matter unless the licensee or registrant has reason to believe there has been an error on the Board's part. The Comptroller's Office notifies individuals with tax delinquencies.

****THE BOARD MUST ADHERE TO THE REGULATION AND CANNOT MAKE ANY EXCEPTIONS !
Refer to COMAR 10.31.02.02***

MESSAGE FROM THE DEPUTY DIRECTOR

Thank you for taking the time to learn more about the Maryland Board of Chiropractic and Massage Therapy Examiners and reviewing the relevant subjects presented in this newsletter. As you'll see, we take our mission of serving, engaging, and inspiring higher standards in the Healthcare field seriously. Indeed, since the inception of the expanded Board; the combined knowledge and dedication of all the professionals on this New Board has lead to collaborative efforts to elevate the standards of Massage Therapist/Practitioners and Chiropractic Doctors / Chiropractic Assistants.

In addition, the Support Staff and Investigators listed: Maria Ware, Office Manager, Emily Jones, License Coordinator, Bernice Berger, Education Coordinator, Denise Harris, Office Secretary II and David Ford, Senior Investigator, Marc Ware, Investigator, Danielle Gonnelli, Compliance Assurance Specialist alongside our esteem Executive Director, Jim Vallone and the Board Members are the catalyst for the transitions of applicants to Licensed and Registered Professionals. We at the Board are always striving to provide excellent service to our Licensees and the Consumers who utilize the services of our Health Care Professionals.

I look forward to gaining a wealth of knowledge from our seasoned staff and our Professional Board Members.

REGARDS- Adrienne Congo, M.S.

RENEWAL DEADLINE—OCT. 31, 2010

Renewal Time is fast approaching. Renewal notices will be mailed out in August or early September 2010. Renewal notices will contain all the information you'll need to renew your license/registration electronically since **RENEWALS WILL BE DONE ONLINE using the Board's new electronic renewal database.** If you have not already done so review the CEU requirements and ensure that you have the required CEU's to qualify for this 2010-2012 licensing period. In excess of your 24 CEU's, do not delay in updating your CPR qualifications (see CPR requirements in this Newsletter).

Licensed Massage Therapists and Registered Massage Practitioners must complete 24 hours of approved coursework, in addition to having a current CPR card (COMAR 10.43.20). If you are audited, you must submit documentation to prove your CEUs and CPR certification. Contact the Board to find out which courses are Board approved for CEU credit.

NATIONAL CERTIFICATION VS. STATE LICENSURE

As a reminder, **National Certification is NOT required to renew a Maryland License/Registration.** National Certification through the NCBTMB or NCCAOM is not required to renew your Board issued license or registration. **In order to practice massage for compensation in Maryland, you must be licensed or registered by this Board.** National certification is a non-government credential; accordingly, National Certification is optional in Maryland. **It is a criminal violation of law to practice massage in Maryland without a Board issued license or registration. DON'T let anyone convince you that it is "O'K" to practice massage in Maryland with only a National Certificate.**

90 DAY DEADLINE FOR CEU APPROVAL

Licensees and registration holders are required to submit approval request for CEU courses to the Board for approval at least ninety (90) days prior to the commencement of the course or program. Either the licensee or course sponsor may submit the request for approval to the Board. The request must include a full timeline of classes, course syllabus, resumes of instructors, description of when, where, how the course is presented as well as a full description of all administrative processes utilized. All request will be reviewed by the Massage Program Educational Sub-Committee. No retroactive approval will be granted. Non-approved courses will NOT count towards meeting the 24 CEU credit hour renewal requirement. **IT IS THE SOLE RESPONSIBILITY OF THE LICENSE OR REGISTRATION HOLDER TO ENSURE THAT CEU REQUIREMENTS ARE FULLY MET. CONTACT THE BOARD IN ADVANCE TO DETERMINE IF A CEU COURSE IS BOARD APPROVED.**

WALK-INS

In order to facilitate audit tracking and fiscal procedures recently implemented by the Office of Legislative Audits, the Board must insist that all applications, renewals, and payments be submitted by mail or messenger service. Unless special circumstances are approved by the Board, all business must be transacted via mail service. Of course any licensee may make an appointment to personally come in and discuss any relevant issue with the Massage Program Manager. Information may also be obtained and questions promptly answered via phone or email.

UNIT 83
MD BOARD OF CHIROPRACTIC &
MESSAGE THERAPY EXAMINERS
4201 Patterson Avenue, Suite 301
Baltimore, MD 21215-2299



ADDRESS LABEL HERE

REQUEST FOR RESTRICTION OF EMAIL ADDRESS FROM DATABASE ROSTER

I, _____, License No. _____, request that my email address not be included on the Board releasable database roster. By this request, I acknowledge and agree that **this restriction may result in me not having access to updated electronic information, advertisements and CEU programs that may be distributed, offered, advertised and disseminated by providers and contractors.**

Signature

date

Mail to: Deputy Director, MD Board of Chiropractic & Massage Therapy Examiners, Suite 301,
4201 Patterson Avenue, Baltimore, MD 21215-2299.

ADDRESS CHANGE FORM

All licensees must notify the Board in writing upon changing their mailing address. Failure to do so will result in the assessment of a \$100.00 fine pursuant to COMAR 10.43.06.S.

I, _____, submit that I have changed my official mailing address to:

_____, effective on:

_____, 20____. I understand that upon receipt of this form, my official mailing address will be changed in my

Message Therapy file and in the licensee database.

Print Name

Mail to: Board of Chiropractic & Massage Therapy Examiners
Suite 301
4201 Patterson Ave.
Baltimore, MD 21215-2299
Attn: Ms. Emily Jones

Signature

Date